

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21570 of 2016
and
W.M.P.No.18448 of 2016

Udayapriya S.T.

... Petitioner

Versus

1. The Director,
The Directorate of Government Examinations,
Higher Secondary Examinations - March 2016,
Chennai - 600 006.
2. The Secretary,
Selection Committee,
Director of Medical Education,
162, Periyar E.V.R. High Road,
Kilpauk, Chennai - 600 010

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the Director, The Directorate of Government Examinations, Higher Secondary Examinations - March - 2016, Chennai - 600 006, the first respondent herein to award 3 marks to the petitioner with Registration No.395701 for Question No.36 of Section - D, Part - II (Zoology) of Biology Answer Sheet and consequently direct the Secretary, Selection committee, Director of Medical Education, 162, Periyar E.V.R. High Road, Kilpauk, Chennai - 600 010, the second respondent herein to consider the petitioner's name for admission to the course of MBBS/BDS for the academic year 2016-2017.

For Petitioner : Mr.R.Vinoth Kumar

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

ORDER

By consent, the writ petition is taken up for final disposal.

2.The petitioner in the Higher Secondary Course Examination held during March 2016, secured the following marks:

SUBJECT	THEORY (150)	PRACTICAL (50)	MARKS OBTAINED FOR 200	PASS/ FAIL
TAMIL			190 ONE NINE ZERO	P
ENGLISH			192 ONE NINE TWO	P
PHYSICS	144	050	194 ONE NINE FOUR	P
CHEMISTRY	148	050	198 ONE NINE EIGHT	P
BIOLOGY	144	050	194 ONE NINE FOUR	P
MATHEMATICS			194 ONE NINE FOUR	P
TOTAL MARKS			1162 ONE ONE SIX TWO	

3.It is stated by the petitioner that she belongs to Most Backward Class Community with an ambition to become a Doctor. Therefore, she studied very hard to get admission in any one of the prestigious medical colleges in the State. In so far as the subject of Biology is concerned, the petitioner was under the genuine impression that she would get 200 marks. But, however, to her shock and surprise, she has secured 194 marks. Therefore, she applied for the scanned copy of the answer sheet and found that she has given the correct answer but proper marks have not been awarded and therefore, she applied for revaluation. It is further stated by the petitioner that as far as the revaluation, marks in respect of answer to question No.36 got increased by 2 marks, but, however, marks in respect of answers to question Nos.21 and 28 got reduced by 1 mark each and result being the same total. Aggrieved by the same, the petitioner came forward to file this writ petition.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to answer to question No.36 given by the petitioner and also drawn the attention to the textbook as well as the key answers and submitted that since the answer given by the petitioner conveys the meaning as that of the textbook and key answers, she should be awarded full 10 marks and insofar as answers to question Nos.21 and 28 are concerned, the answers are substantially correct and the original marks awarded to the petitioner should have been awarded and pray for appropriate orders.

5.Per contra, Mrs.P.Rajalakshmi, learned Government Advocate has drawn the attention of this Court to the key answers and would submit that in respect of answer to question No.36 in Section-D, the petitioner has wrongly wrote the heading as Radio Active Energy instead of Nuclear Energy and therefore she was not awarded full 10 marks. Insofar as answer to question No.21 is concerned, the words "Totipotent" and "Pluripotent" are not completed and in so far as the answer to question No.28 is concerned, the words "Immunodeficiency may result from Gene mutations, infections, malnutrition, accidents" were not found. Therefore, in respect of the said answers, 1 mark each got reduced and in effect, the total mark remained unaltered.

6.This Court has considered the rival submissions and perused carefully the materials placed before this Court.

7.As rightly pointed out by the learned Government Advocate, the petitioner instead of putting the heading as Nuclear Energy has wrongly stated as Radioactive Energy in respect of answer to question No.36 and in respect of answers to question Nos.21 and 28, it is not fully in tune with the key answers and therefore, 1 mark each got reduced. It is also settled position of law that this Court cannot substitute itself with the role of the Expert to arrive at a different conclusion and though no rules provided for revaluation, this Court taking into consideration the interest and welfare of the petitioner, has summoned the relevant materials and found that the revaluation has been properly done. Though this Court sympathizes with the petitioner, is not inclined to grant any relief on account of the said fact. Therefore, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

To

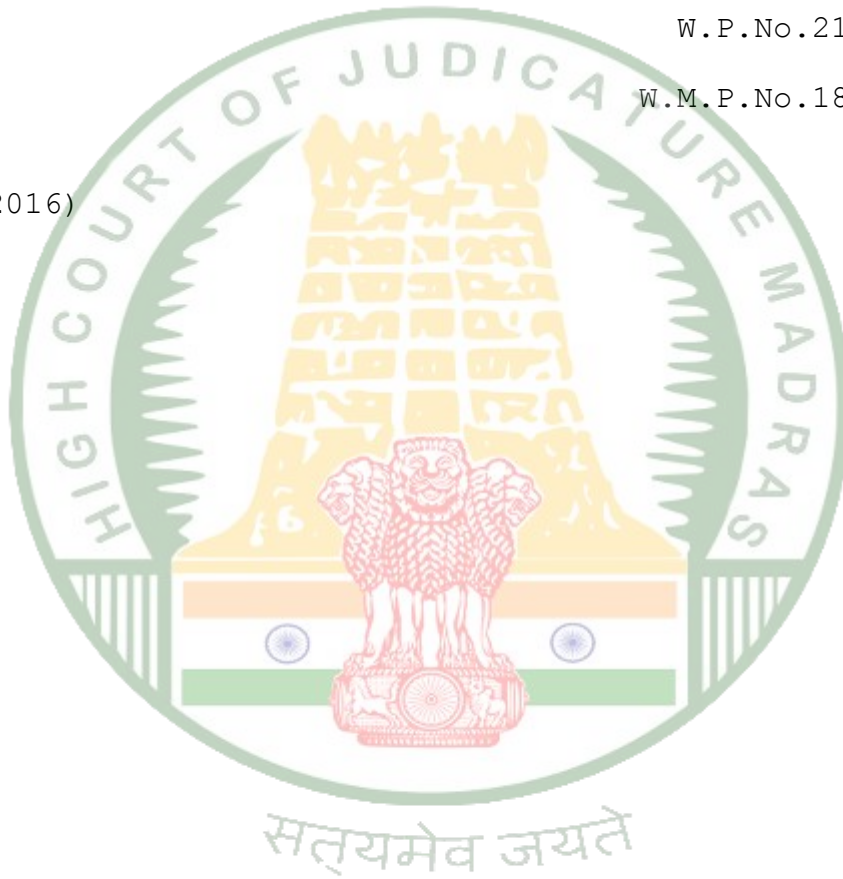
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+1cc to Mr.R.Vinoth Kumar, Advocate, S.R.No.35133
+1cc to the Government Pleader, S.R.No.35188

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NRJK (CO)
CA (14/07/2016)



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